UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LAURA SYMCZYK, an individual, on behalf

of herself and others similarly situated,

Case No.: 2:09-cv-05782-MMB

Plaintiff,

Honorable Michael M. Baylson

v.

:

GENESIS HEALTHCARE CORPORATION and ELDERCARE RESOURCES CORPORATION,

: :

Defendants.

NOTICE OF APPEAL

Notice is hereby given that Laura Symczyk, plaintiff in the above named case, hereby appeals to the United States Court of Appeals for the Third Circuit from: 1) the Memorandum Re: Motion to Dismiss for Lack of Subject Matter Jurisdiction, entered in this action on the 19th day of May, 2010 [Docket #28]; 2) the Order that Plaintiff shall file a brief in support of continued federal jurisdiction and a class certification motion under Fed.R.Civ.P. 23 by 6/10/2010, that Defendant shall have seven days to respond, and that the Court will hold Defendants Motion to Dismiss under advisement, entered in this action on the 19th day of May, 2010 [Docket #29]; 3) the Order that Plaintiff's Motion to Vacate is granted, that the Complaint is dismissed without prejudice for lack of federal jurisdiction, and that the case is remanded to state court, entered in this action on the 11th day of June, 2010 [Docket #34]; and 4) the Order vacating the Court's 6/11/2010 Order, dismissing Plaintiff's FLSA claim and directing the Clerk to close this case, entered in this action on the 24th day of June, 2010 [Docket #37].

Plaintiff respectfully requests that all documents filed in this case be transmitted with the record on appeal.

Dated: July 19, 2010 Respectfully submitted,

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